

ATTACHMENT E

Massachusetts Waiver Requests

**Commonwealth of Massachusetts
Workforce Investment Act
Waiver Request**

**INCLUDE YOUTH FOLLOW-UP SERVICES
AS A FRAMEWORK SERVICE**

The Department of Workforce Development (DWD), as the administrative entity of the Workforce Investment Act (WIA) in the Commonwealth of Massachusetts, submits this request for a general waiver to allow follow-up services to be combined with youth program design framework services, without a need for a competitive procurement process.

Under the current regulations, all ten elements of youth services, including follow-up services, must be provided by youth service providers that have been procured in separate competitive bidding processes. Framework services may be provided either by the fiscal agent without a competitive procurement, or by another organization subsequent to a competitive award. Providers of framework services are in a better position to provide follow-up services to youth, and the requirement of an additional competitive bidding process for follow-up services is duplicative and burdensome.

This waiver would create a more streamlined approach to case management by allowing providers of youth framework services to provide personal attention on a consistent basis to each youth as they access many different programs available for education and training.

The waiver will begin July 1, 2005 and apply to subsequent years.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 123, Section 117(h)(4)(B)(i), and 20 C.F.R. Part 664.400 require that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis for youth activities and services.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted.

A waiver will maximize resources by allowing framework service providers to provide follow-up services to youth, instead of requiring a second competitive bidding process.

Granting the waiver will decrease state and local paperwork, reduce the need for extra staff needed to track and report the progress of a youth through various

Workforce Investment Act and Wagner-Peyser Funding

programs, and make available youth case staff to work directly with youth on more substantive training and educational goals.

Granting the waiver will allow for a smoother flow of data that documents the delivery of youth services, as well as the outcomes that result from youth participation, since the organization that is providing framework services will be in a better position to understand where each youth is in relationship to his or her Individual Service Strategy, when a youth has exited a WIA service or the WIA program, and when the period for follow-up begins.

We also believe that defining follow-up as a framework service will support the implementation of common performance measures, since the framework service provider will be in the best position to know when a WIA youth is also participating in another partner program, and therefore make a better administrative judgment as to when program completion will trigger the time period to determine a performance outcome under the new common measures.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

The waiver will directly impact WIA eligible youth.

E. Opportunity for Public Comment and the Process for the Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the Commonwealth of Massachusetts, we relied heavily upon input from local area staff and boards.

The Department of Workforce Development and its agencies, as the State administrator and overseer of WIA, will monitor the implementation of this waiver and work with the 16 local workforce investment boards to ensure that follow up services are more effective. The Commonwealth's current monitoring policy and procedures will be modified to include this waiver.

**Commonwealth of Massachusetts
Workforce Investment Act
Waiver Request**

**FREE SCHOOL LUNCH ELIGIBILITY AS A PROXY FOR
ELIGIBILITY FOR WIA YOUTH SERVICES**

The Department of Workforce Development (DWD), as the administrative entity of the Workforce Investment Act (WIA) in the Commonwealth of Massachusetts, submits this request for a general waiver to allow eligibility to participate in the National School Lunch program as a proxy for eligibility for WIA youth services.

The current regulation does not allow a local board to use eligibility for free lunches under the National School Lunch Act as a substitute for the income eligibility criteria for WIA youth services. Using eligibility for free school lunches as a proxy for income eligibility for WIA youth programs reduces the documentation burden on individuals and providers.

The waiver will begin July 1, 2005 and apply to subsequent years.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 101(25) and 20 C.F.R. Part 664.240 prohibit the use of eligibility for free lunches under the National School Lunch Act as a substitute for the WIA income eligibility requirements.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted.

A waiver will allow eligible youth to prove their income eligibility to participate in WIA youth programs through their participation in the National School Lunch program. Many youth, particularly those who are homeless, in foster care or in the juvenile justice system, typically have difficulty accessing paper records to demonstrate their income eligibility.

Additionally, local boards may spend a substantial portion of their time assisting youth in acquiring documentation, which reduces time available for direct outreach and initial counseling with youth on program options. In many instances, youth must make repeat visits to complete the registration process, which delays the completion of their registration and diminishes service to these youth customers.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

The waiver will directly impact WIA eligible youth.

E. Opportunity for Public Comment and the Process for the Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the Commonwealth of Massachusetts, we relied heavily upon input from local area staff and boards.

The Department of Workforce Development and its agencies, as the State administrator and overseer of WIA, will work with the 16 local workforce investment areas to implement a revised income eligibility policy for youth. The Commonwealth's current monitoring policy and procedures will be modified to include this waiver.

**Commonwealth of Massachusetts
Workforce Investment Act
Waiver Request**

EXPANDED TRANSFER AUTHORITY

The Department of Workforce Development (DWD), as the administrative entity of the Workforce Investment Act (WIA) in the Commonwealth of Massachusetts, submits this request for a general waiver to increase transfer authority of Local Workforce Investment Boards from the current 30% to 50% for Adult and Dislocated Worker funds. Note that Massachusetts was previously approved to allow up to a 30% transfer authority. This proposed increase will provide the local boards with greater flexibility for responding to changes in their local labor markets, and will help ensure that WIA funds allocated to each local area are being utilized in a way that will maximize customer service. The waiver will apply to Program Year 2005 and subsequent years.

The waiver will apply to beginning July 1, 2005 and apply to subsequent years.

In keeping with the guidelines set forth in WIA Section 189(i)(4)(b) and 20 C.F.R. Part 661.420(c), please accept the following as a request for a waiver:

A. Statutory or Regulatory Requirements to be Waived

WIA Section 133(b)(4) and 20 C.F.R. Part 667.140 state that a Local Board may transfer, if such a transfer is approved by the Governor, not more than 20 percent of the funds allocated to the local area in a fiscal year between Adult employment and training activities and Dislocated Worker employment and training activities.

The Commonwealth of Massachusetts requests that Local Boards be allowed to transfer up to 50 percent of a program year allocation for Adult funds and up to 50 percent of a program year allocation for Dislocated Worker funds between the two funding streams.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted.

The main anticipated goal is increased flexibility for the local areas in allocating and expending Adult and Dislocated Worker funds. Such flexibility would enable local areas to better serve the needs of their customers, and would heighten their ability to respond to changes in the local labor market. In addition, greater flexibility in use of funds may allow Local Workforce Investment areas to commit additional WIA Title I formula funding for education and training purposes.

The U.S. Department of Labor has already approved similar waivers for other states, and we ask that our request also be granted for the waiver.

Workforce Investment Act and Wagner-Peyser Funding

This waiver will apply to Program Year 2005, and subsequent years.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

All Adults and Dislocated Workers, as well as business customers, will benefit from the waiver. Granting the Local Boards the ability to move substantial funds to the areas of greatest need will ensure optimum service to the general population of that workforce area.

E. Opportunity for Public Comment and the Process for the Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the Commonwealth of Massachusetts, we relied heavily upon input from local area staff and boards. The problems with the current 30% limitation on fund transfers between Adult and Dislocated Worker funding streams were discussed with the local areas to gain input on those problems and on the benefits of being granted this waiver. This waiver will be especially helpful in serving employed workers in an effort to assist them in retaining employment or obtaining employment leading to self-sufficiency.

The Department of Workforce Development and its agencies, as the State administrator and overseer of WIA, will monitor all transfers of funds by the Local Areas. The Commonwealth's current monitoring policy and procedures will be modified to include this waiver.

**Commonwealth of Massachusetts
Workforce Investment Act
Waiver Request**

**PROHIBITION ON USE OF YOUTH WIA DOLLARS
TO FUND INDIVIDUAL TRAINING ACCOUNTS FOR OLDER
YOUTH**

The Department of Workforce Development (DWD), as the administrative entity of the Workforce Investment Act (WIA) in the Commonwealth of Massachusetts, submits this request for a general waiver to use Individual Training Accounts (ITA's) for Youth participants, based on a valid needs assessment of interests, skills, and aptitudes.

The current regulation prohibits the use of ITA's for Youth participants, except in the case they are determined eligible and are co-enrolled either as an Adult or Dislocated Worker. Also, there is no specified age for the Dislocated Worker program, which could mean that youth under the age of 18, could also meet the Dislocated Worker eligibility requirements, be co-enrolled and receive ITA's.

Under the current regulations, expenditures for ITA's are charged to the Adult or Dislocated Worker funding streams, rather than to the Youth funding stream. This co-enrollment requirement is a duplicative and unnecessary process which does not allow the 16 local workforce investment areas to charge the cost of the ITA back to the Youth account, but draws on limited Adult funds. The current regulation also does not allow some of those expenditures to be appropriately counted towards the 30% out-of-school expenditure requirement.

This waiver would allow older out-of-school youth to select approved ITA programs from the Massachusetts Eligible Training Provider list, while retaining their Youth classification. Training costs can be charged as out-of-school Youth expenditures, thereby eliminating the need to track such expenditures across different funding streams.

The U.S. Department of Labor has already approved similar waivers for California, Texas, Georgia, Kentucky, etc., and we ask that our request also be granted for the waiver.

The waiver will apply to beginning July 1, 2005 and apply to subsequent years.

In keeping with the guidelines set forth in WIA Section 189(i)(4)(b) and 20 C.F.R. 664.510, please accept the following as a request for a waiver:

Workforce Investment Act and Wagner-Peyser Funding

A. Statutory or Regulatory Requirements to be Waived

WIA Section 189(i)(4)(b) and 20 C.F.R. Part 664.510 prohibit the use of ITA's for youth unless they are found eligible for and co-enrolled in either the Adult or Dislocated Worker program.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted.

A waiver will maximize the service delivery capacity of the WIA Youth programs within the One Stop Career Center delivery system by allowing youth, focused on employment rather than academics, to have the same access as adults and dislocated workers to the advantages of ITA's.

Presently, the co-enrollment of youth in the Adult programs is overly burdensome, and contributes to unnecessary duplicative paperwork. Co-enrollment of youth in the Adult programs also creates an additional tracking and reporting burden on activities, expenditures, and outcomes for the 16 local workforce investment areas.

Granting the waiver will decrease state and local paperwork, reduce the need for extra staff needed to track and report co-enrollments, and make available youth case staff to work with the older youth – instead of transferring the case to an adult case manager.

Providing a waiver allowing the use of ITA's for youth without co-enrollment would allow youth to be treated equally with an adult with similar training needs. Charging the cost of the ITA to the Youth program, instead of the Adult or Dislocated Worker program, would reduce dependence on limited Adult funds, and would allow the 16 local workforce investment areas to meet their 30 percent out-of-school expenditure requirements.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

The waiver will directly impact older WIA eligible youth allowing them to benefit from an ITA. These youth would then be able to receive the same services given to adult and dislocated workers without unnecessary paperwork or tracking.

E. Opportunity for Public Comment and the Process for the Implementation of the Waiver

Workforce Investment Act and Wagner-Peyser Funding

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the Commonwealth of Massachusetts, we relied heavily upon input from local area staff and boards.

The Department of Workforce Development and its agencies, as the State administrator and overseer of WIA, will work with the 16 local workforce investment areas to develop criteria to apply to Older Youth ITAs across all local areas. The Commonwealth's current monitoring policy and procedures will be modified to include this waiver.